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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Organization for Defending Victims of Violence, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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A land without people, for a people without land

It all began from the Balfour declaration. Palestine before 1918 was a province within the Ottoman Empire and after 1918, it officially entered into Britain's sphere of influence. The British Mandate over Palestine included the Balfour Declaration of 1917 which stated that:

> " His Majesty's Government view with favor the establishment in Palestine of a National Home for the Jewish People, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine,or any other country."[1]

As it can be seen, Balfour declaration was therefore made by European power, about a non- European territory, without consulting the native people. Palestine was chosen for the establishment of a 'national home' for Jews. It is worth mentioning that Zionist leader after Belfour declaration had always talked about the re-constitution and re-building of Palestine which meant the establishment of an exclusive national home for the Jewish people:

> Moshe Dayan (1969): "We came to this country which was already populated by Arabs, and we are establishing a Hebrew, that is a Jewish state here... Jewish villages were built in place of Arab villages..."[2]

And now, here we are: after all these years, not only the situation has not been better, but it gets worse and worse every day. The ultimate goal of the laws of war is to protect every single individual in the time of conflict. If the goal is ever achieved, that means no one can be outside of the protection of the law. But is that really the case?

It is unfortunate to say that even after 2009 Goldstone Report (The United Nations Fact Finding Mission on the Gaza Conflict), which concluded that the three principals of *jus in bello* or the laws in wars (distinction, proportionality and military necessity), were at many times infringed by Israeli military group; we have seen no change in Israelis approach in the time of conflict.

The same conclusion was reached after the recent 183-page report of the United Nation Human Rights Council on the 50-day Gaza war. The report suggested that Israel's overall military policy during the conflict may have "violate[d] the laws of war." In particular, it bemoaned the lack of accountability on the part of Israeli officials conducting the war and expressed dismay that Israel did not alter its strategy of airstrikes even after it became clear that many civilians were dying.[3]

More than 6,000 Israeli airstrikes, 14,500 tank shells and 35,000 artillery shells led to the destruction of about 18,000 dwellings in Gaza, as well as much of the impoverished territory's infrastructure.[4]

The report said that "the fact that the [Israeli] political and military leadership did not change its course of action, despite considerable information regarding the massive degree of death and destruction in Gaza, raises questions about potential violations of international humanitarian law by these officials, which may amount to war crimes."[5]

According to the U.N. investigations, conducted by an independent commission led by an American judge, 2,251 Palestinians were killed during the conflict. This figure includes 1,462 Palestinian civilians, including 299 women and 551 children. In Israel, six civilians and 67 soldiers were killed.[6]

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[1] http://avalon.law.yale.edu/20th_century/balfour.asp

[2] http://www.camera.org/index.asp?x_article=371&x_context=7

[3] https://www.washingtonpost.com/news/worldviews/wp/2015/06/22/the-u-n-report-on-israels-gaza-war-what-you-need-to-know/

[4] http://t.co/hTs91tEgrD

[5] Ibid.

[6] Ibid.

"The extent of the devastation and human suffering in Gaza was unprecedented and will impact the generations to come," said Mary McGowan Davis, a former New York State Supreme Court justice who led the commission.[7]

- What has happened, is a clear violation of the International Treaties and Conventions of:
- 1949 Geneva Convention
- Protocols Relative to the Protection of Civilian Persons in Times of War
- 1980 UN Protocol on Prohibitions or Restrictions on the Use of Incendiary
- Weapons
- Rome Statute of the International Criminal Court
- self-determination

Israel's constant violation of international humanitarian law are included but not limited to:

- Attacks on government buildings and police
- Deliberate / indiscriminate attacks on civilian population
- Use of certain prohibited weapons
- Attacks on foundation of civilian life in Gaza
- Use of Palestinian civilians as human shields
- Deprivation of liberty / detentions
- Negative impact of the blockade on people of Gaza
- Ill Treatment of Palestinians in the West Back
- Detention of Palestinians in Israeli prisons
- Violations of free movement and access

Moreover, an organization of Israeli soldiers known as "Breaking the Silence" released a report containing testimonies from more than 60 officers and soldiers from the Israel Defense Forces who served during the 50-day war against Hamas militants last summer in the Gaza Strip. Testimonies suggested a lax attitude toward protecting Palestinian civilian life as well as the admission that, in some instances, Israeli forces fired "purposelessly" and used "ridiculous amounts of fire."[8]

As we all know, Israel has a long, contentious history with U.N. investigations into its wars and refused to cooperate with the report's investigators, who were denied access to conduct their research in the occupied territories.

This is while, as history has proved, once a state denies to cooperate with the United Nation or the international community, UN Security Council, along with the world powers would target its people by various sanctions (Iran).

Thereby, Organization for Defending Victims of Violence (ODVV) calls on the UN and the international community to take coercive measures in order to stop the heinous acts of Israel in the occupied territory of Palestine. We believe that a violation of one principle will lead to the infringement of another. Thus, taking action is required now.

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[7] Ibid.

[8] http://www.breakingthesilence.org.il/